

**DETAILED ACTION**

**Status of the Claims**

1. This action is in response to the application filed on 14 August 2003.
2. Claims 1-9 have been examined.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-9** are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al., US 2001/0037275 A1 henceforth know as Johnson.

5. **Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

**Claims 1-2, 4-5, and 7-8:**

With regard to the following limitations:

- ***Receiving brokerage account data from an account that generates income.***
- ***Income generated is subject to two tax rates.***
- ***Receiving a request to pay a gift amount from the brokerage account.***
- ***Transferring a portion from the first and/or second taxable income to satisfy gift amount based on a tax-advantaged algorithm to maximize the tax deduction for the gift amount.***

Johnson in at least paragraph [0008], [0010] and Fig.2 teaches a Donor Advised Organization (DAO) like Fidelity Investment Charitable Gift fund, which assists donors in their charitable giving of appreciated assets. Johnson in at least paragraph [0020] through [0028] teaches opening an account with a DOA, analyzing the donor's brokerage account to determine the most tax-efficient gift to be made in either long term and/or short term assets or securities, generating a donation or payment request to the donor's brokerage account and transferring assets to the DAO and subsequently to designated charities.

**Claims 3, 6, and 9:**

With regard to the following limitation:

- ***Filling a gift amount from the first investment and / or in combination with the second investment and the subsequent sales of the investments.***

Johnson in at least paragraph [0037], [0040] and Fig.2 teaches an evaluation tool for choosing gifts that maximize tax-efficient giving, a fully automated transfer mechanism for giving appreciated assets on a continuing basis and the conversion of the asset into the cash value for the receiving charity.

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Slane, US 6,567,790 B1 teaches establishing and managing grantor retained annuity trusts funded by nonqualified options.
- Keating, "The new business of giving." Money, New York: 1998, Vol.27, Issue 13; pages 92, 3 pages teaches about charitable gift funds.
- Fidelity Charitable Gift Fund, Program Circular, downloaded from <http://web.archive.org/web/20000303133103/http://www401.charitablegift.org/forms/progcirc.pdf> downloaded on 29 November 2007 from the December 22, 1999 website.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Danneman whose telephone number is 571-270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627